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**MAILED**

**FEB 23 2011**

**OFFICE OF PETITIONS**

In re Application of SCOTT CHRISTENSEN	: DECISION ON REQUEST
Application No. 09/315,822	: FOR RECONSIDERATION OF
Filed: August 28, 2002	: PATENT TERM ADJUSTMENT and
Attorney Docket No.: INVE0013-1	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on: (a) the petition under 37 CFR 1.702, filed on July 16, 2010, which is being treated as a petition under 37 CFR 1.705(b) requesting that the previously determined initial patent term adjustment for the above-identified application be corrected to indicate nine hundred twelve (912) days, and (b) the petition filed July 16, 2010, under 37 CFR 1.181(a)(3) to invoke the supervisory authority of the Director to enter the above noted petition filed under 37 CFR 1.702.

As an initial matter, it is noted that a Continued Prosecution Application (CPA) was filed in the instant application on August 28, 2002. The acceptance of the CPA was noted in the Office action mailed April 7, 2003. Under the provisions of 37 CFR 1.53(d)(2) in effect at that time, the filing date of the instant application is August 28, 2002. Accordingly, as the instant application is eligible for patent term adjustment under 37 CFR 1.702, the above noted petition under 37 CFR 1.702 is being considered in place of the petition under 37 CFR 1.701 filed previously on May 31, 2010.

The petition to correct the initial patent term adjustment determination is **GRANTED to the extent indicated.**

In view of the above, the petition under 37 CFR 1.181 is **DISMISSED AS UNNECESSARY.**

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **nine hundred twelve (912) days**. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

The application is hereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Ramesh Krishnamurthy at (571) 272-4914.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight  
Director,  
Office of Petitions

Enclosure(s): Copy of the Updated PAIR Screen Printout

**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 09/315,822

Filing or 371(c) Date:	05-21-1999	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	1151
A Delays:	231	PTO Manual Adjustments:	116
B Delays:	0	Applicant Delays:	355
C Delays:	920	Total PTA Adjustments:	912

**Patent Term Adjustment History****Explanation Of Calculations**

Number	Date	Contents Description	PTO(Days)	APPL (Days)	Start
187	02-23-2011	Adjustment of PTA Calculation by PTO	116		0
163	05-24-2010	Mail Notice of Allowance			0
162	05-20-2010	Issue Revision Completed			0
161	05-20-2010	Document Verification			0
160	05-20-2010	Notice of Allowance Data Verification Completed			0
159	05-20-2010	Allowability Notice			0
156	05-10-2010	Email Notification			0
155	05-10-2010	Change in Power of Attorney (May Include Associate POA)			0
154	05-06-2010	Correspondence Address Change			0
153	01-08-2010	Mail Non-Final Rejection			0
152	01-04-2010	Subtract 1.00 Disposal Count			0
151	01-04-2010	Disposal Flag Change			0
150	01-04-2010	Non-Final Rejection			0
148	01-04-2010	Disposal Flag Change			0
147	01-04-2010	Subtract Disposal Count			0
146	09-28-2009	Amendment/Argument after BPAI Decision			0
145	07-30-2009	Mail BPAI Decision on Appeal - Affirmed in Part	920		103
144	07-29-2009	BPAI Decision - Examiner Affirmed in Part			0
143	07-21-2009	Mail BOA miscellaneous communication to applicant			0
142	07-21-2009	BOA miscellaneous communication to applicant			0
141	05-21-2009	Confirmation of Hearing by Appellant			0
140	05-14-2009	Notification of Appeal Hearing			0
139	01-05-2009	Docketing Notice Mailed to Appellant			0
138	01-05-2009	Assignment of Appeal Number			0
136	12-12-2008	Appeal Awaiting BPAI Docketing			0
135	12-03-2008	Mail Reply Brief Noted by Examiner			0
134	12-02-2008	Reply Brief Noted by Examiner			0
133	11-17-2008	Exam. Ans. Review Complete			0
132	11-07-2008	Mail Supplemental Examiner's Answer			0
131	11-06-2008	2nd or Subsequent Examiner's Answer to Appeal Brief			0
130	10-22-2008	Return of Undocketed appeal to the TC			0
129	10-22-2008	Exam. Ans. Review Complete			0
128	10-16-2008	Order Returning Undocketed Appeal to the Examiner			0
127	07-24-2008	Appeal Awaiting BPAI Docketing			0
126	07-14-2008	Appeal ready for BPAI review			0
125	04-18-2008	Exam. Ans. Review Complete			0
124	04-14-2008	Mail Supplemental Examiner's Answer			0
123	04-11-2008	2nd or Subsequent Examiner's Answer to Appeal Brief			0
122	12-03-2007	Return of Undocketed appeal to the TC			0
121	03-14-2008	Date Forwarded to Examiner			0
120	01-29-2008	Reply Brief Filed			0

117	03-14-2008	Withdraw of return of appeal		0
116	01-29-2008	Request for Oral Hearing		0
114	03-04-2008	Case Docketed to Examiner in GAU		0
113	12-03-2007	Return of Undocketed appeal to the TC		0
112	12-03-2007	Exam. Ans. Review Complete		0
110	11-27-2007	2nd or Subsequent Examiner's Answer to Appeal Brief		0
109	11-14-2007	Appeal Brief Review Complete		0
108	11-14-2007	Date Forwarded to Examiner		0
107	11-02-2007	Appeal Brief Filed		0
106	10-15-2007	Notice -- Defective Appeal Brief		0
105	10-10-2007	Date Forwarded to Examiner		0
104.1	01-23-2007	Defective / Incomplete Appeal Brief Filed		0
104	01-23-2007	Appeal Brief Filed		0
103	01-23-2007	Notice of Appeal Filed		0
100	04-17-2007	Order Returning Undocketed Appeal to the Examiner		0
99	01-16-2007	Appeal Awaiting BPAI Docketing		0
98	12-01-2006	Mail Reply Brief Noted by Examiner		0
97	11-29-2006	Reply Brief Noted by Examiner		0
96	09-28-2006	Request for Oral Hearing		0
95	10-03-2006	Date Forwarded to Examiner		0
94	09-28-2006	Reply Brief Filed		0
93	02-07-2003	Corrected filing receipt		0
92	01-28-2003	Corrected filing receipt		0
91	07-28-2006	Mail Examiner's Answer	66	85
90	07-24-2006	Examiner's Answer to Appeal Brief		0
89	05-09-2006	Date Forwarded to Examiner		0
88	04-26-2006	Appeal Brief Filed		0
87	03-27-2006	Notice -- Defective Appeal Brief		0
86	01-26-2006	Date Forwarded to Examiner		0
85.1	01-23-2006	Defective / Incomplete Appeal Brief Filed		0
85	01-23-2006	Appeal Brief Filed		0
84	01-23-2006	Request for Extension of Time - Granted		0
83	01-05-2006	Mail Advisory Action (PTOL - 303)		0
82	12-30-2005	Advisory Action (PTOL-303)		0
81	12-13-2005	Mail Advisory Action (PTOL - 303)		0
80	12-07-2005	Advisory Action (PTOL-303)		0
79	10-25-2005	Mail Appeals conf. Request Defective		0
78	10-21-2005	Pre-Appeals Conference Decision - Request Defective		0
77	09-23-2005	Request for Pre-Appeal Conference Filed		0
73	09-23-2005	Notice of Appeal Filed		0
72	09-28-2005	Date Forwarded to Examiner		0
71	09-23-2005	Amendment/Argument after Notice of Appeal		0
70	07-26-2005	Mail Final Rejection (PTOL - 326)		0
69	07-21-2005	Final Rejection		0
68	05-11-2005	Date Forwarded to Examiner		0
67	05-02-2005	Response after Non-Final Action	63	62
66	05-02-2005	Request for Extension of Time - Granted		0
64	04-20-2005	Correspondence Address Change		0
63	04-21-2005	Change in Power of Attorney (May Include Associate POA)		0
62	11-30-2004	Mail Non-Final Rejection		0
61	11-28-2004	Non-Final Rejection		0
60	11-26-2004	IFW TSS Processing by Tech Center Complete		0

59	11-23-2004	Date Forwarded to Examiner		0
58	10-20-2004	Amendment Submitted/Entered with Filing of CPA/RCE		0
57	11-23-2004	Date Forwarded to Examiner		0
56	10-20-2004	Request for Continued Examination (RCE)	92	45
55	11-23-2004	Disposal for a RCE / CPA / R129		0
54	10-20-2004	Request for Extension of Time - Granted		0
53	04-07-2003	Reference capture on IDS		0
52	10-20-2004	Workflow incoming amendment IFW		0
51	10-20-2004	Workflow - Request for RCE - Begin		0
50	10-15-2004	Mail Advisory Action (PTOL - 303)		0
49	10-07-2004	Advisory Action (PTOL-303)		0
48	09-29-2004	Date Forwarded to Examiner		0
47	07-20-2004	Amendment after Final Rejection		0
46	07-20-2004	Workflow incoming amendment IFW		0
45	04-20-2004	Mail Final Rejection (PTOL - 326)	165	38
44	04-16-2004	Final Rejection		0
43	04-16-2004	Case Docketed to Examiner in GAU		0
42	04-16-2004	Case Docketed to Examiner in GAU		0
41.7	01-23-2004	Electronic Information Disclosure Statement	200	38
41	01-23-2004	Information Disclosure Statement (IDS) Filed		0
40.7	08-27-2003	Information Disclosure Statement (IDS) Filed		0
40	08-27-2003	Information Disclosure Statement (IDS) Filed		0
39	11-10-2003	Date Forwarded to Examiner		0
38	07-07-2003	Response after Non-Final Action		0
33	04-07-2003	Mail Non-Final Rejection		0
32	04-03-2003	Non-Final Rejection		0
31	02-21-2003	Preliminary Amendment		0
30	01-28-2003	Date Forwarded to Examiner		0
29	08-28-2002	Continuing Prosecution Application - Continuation (ACPA)		0
28	01-28-2003	Disposal for a RCE / CPA / R129		0
27	01-17-2003	Mail-Petition to Revive Application - Granted		0
26	08-28-2002	Petition Entered		0
25	08-28-2002	Workflow - Request for CPA - Begin		0

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